IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ELAN PHARMA INTERNATIONAL LIMITED, Plaintiff, v. ABRAXIS BIOSCIENCE, INC., Defendant.	)	Civil Action No. 06-438-GMS

DEFENDANT ABRAXIS BIOSCIENCE, INC.'S MOTION TO COMPEL PRODUCTION OF WITHHELD AND/OR UNREDACTED VERSIONS OF DOCUMENTS CREATED BY OR FOR THIRD PARTIES

Pursuant to Federal Rule of Civil Procedure 37, defendant Abraxis BioScience, Inc. ("Abraxis") hereby moves the Court for an order requiring plaintiff Elan Pharma International Limited ("Elan") to produce withheld and/or unredacted versions of all documents created by or for: (1) Sterling Winthrop; (2) Particulate Prospects Corporation; (3) Eastman Kodak Company; and (4) those corporations' respective attorneys.

The grounds for this motion are fully set forth in Abraxis's Opening Brief in Support of its Motion to Compel Production of Withheld and/or Unredacted Versions of Documents Created By or For Third Parties and Declaration of Diana B. Kruze thereto, the pleadings and other papers filed herein, and such additional argument or evidence as the Court shall receive.

WHEREFORE, defendant Abraxis BioScience, Inc. respectfully requests the Court to enter the attached Order granting this Motion to Compel.

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Dated: August 8, 2007

CERTIFICATE OF SERVICE

I, Elena C. Norman, Esquire, hereby certify that on August 8, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Steven J. Balick, Esquire
ASHBY & GEDDES
500 Delaware Avenue, 8th Floor
Wilmington, DE 19801

I further certify that on August 8, 2007, I caused a true and correct copy of the foregoing document to be served by hand delivery and e-mail on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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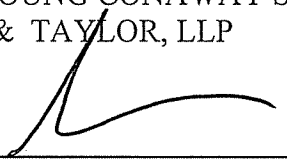

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FOR THE DISTRICT OF DELAWARE

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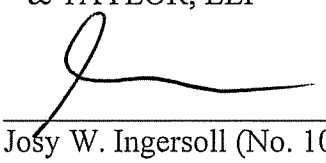
LOCAL RULE 7.1.1 STATEMENT

I, Elena C. Norman, Esquire, hereby certify pursuant to Local Rule 7.1.1, that counsel for Defendant, Abraxis Bioscience, Inc., have made reasonable efforts to reach agreement with counsel for the plaintiff on the matters set forth in the present motion.

YOUNG CONAWAY STARGATT
& TAYLOR, LLP



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FOR THE DISTRICT OF DELAWARE

ELAN PHARMA INTERNATIONAL LIMITED,	)	
Plaintiff,	)	Case No. 06-438-GMS
v.	)	
ABRAXIS BIOSCIENCE, INC.,	)	
Defendant.	)	

[PROPOSED] ORDER

At Wilmington this ____ day of _____, 2007, upon consideration of defendant Abraxis BioScience, Inc.'s ("Abraxis") Motion to Compel Production Of Withheld And/Or Unredacted Versions of Documents Created By Or For Third Parties and all of the evidence and argument submitted therewith, IT IS HEREBY ORDERED that Abraxis's Motion is GRANTED, as follows:

1. Plaintiff Elan Pharma International Limited ("Elan") shall produce withheld and/or unredacted versions of all documents responsive to Abraxis's First through Fourth Sets of Document Requests and created by or for: (a) Sterling Winthrop; (b) Particulate Prospects Corporation; 3) Eastman Kodak Company; and 4) those corporations' respective attorneys.

2. Production of the discovery required by this Order shall occur no later than _____, 2007.

_____
United States District Judge